Writ Petition No. 476 (S/S) 2003

Shamim Ahmad & others- ….. Petitioners

Versus

State of Uttaranchal & Others- …. Respondents.

Hon'ble M.M. Ghildiyal J.

The petitioners have filed this writ petition for a direction to the respondents to allow the petitioners to participate in the training that has commenced from 15th July 2003.

Heard learned counsel for petitioners Sri Vijay Bhatt and learned Standing counsel . The petitioners were recruited as constable cleaner in the year 1989, 1993, and 1998. The petitioners have opted for State of U.P. However they have not yet been relieved by the State of Uttaranchal. The petitioners in pursuance to the order passed by this Court in Writ Petition No. 271 (S/B)/2002 were permitted to appear in the test being conducted for the posts of driver. In the test they were successful. However the State of Uttaranchal has not sent them for training which has commenced on 15th July 2003. The respondents have filed counter affidavit. They have also annexed the copy of order dated 7th July 2003 issued by the Police Headquarter U.P. Allahabad in which the State of Uttaranchal has been requested to send the names of those persons who have opted for State of U.P. and have passed the test for the training in the State of U.P. The apprehension of the petitioners is that the State of Uttaranchal will not send the names of the petitioners to the Police Headquarter Allahabad and they will be deprived from the training, with the result that their juniors will be appointed as drivers. The petitioners have mere apprehension but there is no occasion not to send the names of the petitioners who have opted for Uttar Pradesh for training as requested by the Police Headquarter Allahabad.

I direct the Director General of Police Uttaranchal to send the names of the petitioners for training as required by the letter dated 7th

July 2003 of Police Headquarter U.P. Allahabad by 31st July 2003, if the names have not already sent till the date and the petitioners have passed the test. The Chief Standing Counsel is directed to communicate this order to the Director General of Police today itself so that he may take action by 31st July 2003.

With these observations the writ petition is disposed of finally. No order as to costs.

(M.M. Ghildiyal, J.)

Dated: 30th July 2003.

ISB